

BATTLE OF BEER NOW BEGINNING

Liquor Men Congregate in the United States District Court.

LICENSES OF PRIMO ARE ATTACKED

ANOTHER ALLEGED SILVA HEIR OF FUNCHAL, MADEIRA, IS HEARD FROM.

Attorney Colonel Thomas Fitch's Fees are Questioned—Commissions Charged by Him Above His Retainer Fee are Stated—Will of Frank Brown Filed in Probate.

In spite of the changes the ecclesiastical discipline has remained a t penitence and prayer. Church always begins period from the week of ma; holy considerations make her Western sin herself with her most spouse of Jesus Christ motive which reveals a found knowledge of the a mother full of solici all its weaknesses.

The beer war commenced in the United States District Court yesterday morning, the local general liquor dealers being arrayed against the Honolulu beer licensees.

The case shows every sign of being a hard fought one and one full of interest and knotty problems over which astute legal lights may vent their eloquence to their hearts' delight.

The liquor dealing fraternity was generously represented in Judge Estee's court yesterday when the case was opened. There were big dealers and little dealers, men who make it their business to see that those who have the money wherewith to pay need not go thirsty for liquid refreshment of exhilarating nature.

The Combatants. Attorneys A. G. M. Robertson and J. J. Dunne appeared for the plaintiffs, Macfarlane & Company, H. Hackfeld & Company, Hoffschlaeger & Company, Peacock & Company, and L. H. Doe, while the Treasurer of the Territory, respondent, was represented by Judge Silliman of the firm of Hatch & Silliman.

The plaintiffs in the case are seeking to have declared unconstitutional the Hawaiian statute under which Territorial Treasurer William H. Wright issues licenses to sell Honolulu brewed "Primo" beer at \$250 per year, while other retail liquor licenses, under which other beer can be sold, cost \$1,000.

Treasurer Wright Testifies. The first witness called to give his testimony was Treasurer Wright. He answered the questions put to him during an almost ceaseless fire of objections.

His testimony was to the effect that the first Honolulu beer license had been issued by him on July 1, 1901. He had issued 10 in July, 10 in September, 2 in October and 3 in November, making 25 in all.

When Dunne asked Wright about the location of these 25 saloons, Silliman made objection and his objection was successful. Dunne said that he wanted to show that the places of the plaintiffs had been surrounded by small competing places licensed by the defendant, as a way of showing how the plaintiffs had been damaged.

Wright testified that he had refused \$250 licenses to the plaintiffs. He said that the plaintiffs wanted to sell beer produced outside of the Territory under licenses at \$250 per year. Wright claimed that under the statute he could not issue a license for the sale of any beer except that made in Honolulu, under the licenses sold for \$250.

A. Hocking and W. C. Peacock also called to testify. Peacock went over his sales for the last three years. Peacock and Hocking were recalled in the afternoon. When court adjourned for the day L. H. Doe was giving his testimony.

Another Heir Heard From. Attorney J. M. Vilvas yesterday morning filed an affidavit in the First Circuit Court made by another supposed relative of the late Jose Antonio da Silva, an old Portuguese who was poisoned by some of his own wine in November, 1900. The newly discovered relative makes a mark for her signature and claims the \$1,500 left by the deceased. The affidavit is as follows:

"Kingdom of Portugal, Island of Madeira, City of Funchal. 'I, Jacinthia da Silva, residing in the City of Funchal, Island of Madeira, being duly sworn, depose and say as follows: 'My name is Jacinthia da Silva. I am the sister of Jose Antonio da Silva, who died at Honolulu, Hawaii, on Japan, and Chibritory, United States of America, M. C. A. hall. All men state, on or about the 13th day of November, 1900. There are no sisters of mine, or brothers, or mother, of Jose Antonio, deceased now living. I am sworn to before me on November, 1901, S. Consul.'"

A meeting of the Catholic Benevolent Union will be held at the Catholic Club rooms on Monday evening (next Mark) DA SILVA, and sworn to before me on November, 1901, S. Consul."

Civil S. Y. M. I. carriers in a business meeting of the Young Men's Institute of Paulo, attorney 8, 1902, beginning at Harmony hall, at Honolulu, da Silva, sister of deceased, must be next.

Custom-house, appeal. The example, I, to admit sister. H. y in the morning, sire the land for other purposes.

Vilvas, given notice of motion to modify the decree of Judge Gear awarding the distribution of the property entirely to the widow also to fix the compensation which should be paid to Attorney Thomas Fitch, saying that he paid Fitch a retainer of \$150 that Fitch received from the court the share belonging to the widow and that he also collected from the court certain sums to be paid the affiant and, besides the retainer mentioned, charged affiant twenty per cent on such sums, also charging the same rate of commission on the valuation of real estate belonging to the heirs of the deceased.

Frank Brown's Will. The will of the late Frank Brown was filed in the First Circuit Court yesterday. The nephew of the deceased, H. M. Von Holt, is named as executor to serve without bonds. Cecil Brown is made trustee. Certain items of personal property are bequeathed to employees and the remainder of the estate, real, personal or mixed is left to the widow. Monday, March 3, has been set for proving said will.

To Sell Stock in Hand. Motion for leave to sell the stock in trade of the late Frank Brown has been filed by H. M. von Holt, temporary administrator of the estate. The stock in trade is situated in the premises which were occupied by Frank Brown on Merchant street, the business being carried on under the name of the Hawaiian Wine Co. The estate of deceased is said to be insolvent and the stock in trade is said to be of the value of between \$1500 and \$2000. The estate including insurance policy is valued at \$3500 or thereabouts.

Alimony is Denied. Motion for alimony in the divorce case of John De Greaves against Caroline De Greaves was yesterday denied by Judge Humphreys and libellant was ordered to pay libellee's attorney a fee of \$50 and to pay \$10 for expenses of trial, to be paid within ten days.

The February Term. Early next week a venire will be out for a grand and trial jury for the February term of the First Circuit Court, the term beginning a week from Monday. It is expected that there will be three circuit judges on the First Circuit bench during this term. The calendar will contain nearly four hundred cases in all.

Another Citizen Made. Francis J. Behr, a subject of Germany, was yesterday made a citizen of the United States by Judge Estee. Behr is a second lieutenant in the United States Army, having served three years. He is now at Camp McKinley.

SCOTCHMEN WHO REMEMBER BOBBIE BURNS

(Continued from Page One.)

other song or two, so well was his singing received.

J. Rosean next entertained with Scottish melodies on the violin. He made the instrument speak most switchingly and proved himself worthy of the applause he received.

"The Land o' Burns" was responded to by Dr. Sinclair. In speaking of the land o' Burns, he said it possessed the most beautiful scenery on the face of the globe. He amusingly related many charming anecdotes of Scotland and the Scots, closing with a poem so very Scottish that none but Scotchmen could understand it.

A song by John C. Brown, "Scotland Yet," was next enjoyed, as were also several encores.

D. Clark again delighted with a vocal performance, after which R. Anderson recited "Tam o' Shanter," a longish poem which had been thoroughly mastered.

The bagpipe selection by Piper R. Macdonald Murray, he who so well executed the Highland Fling, was an immense success, the gathering simply going wild with patriotic and commemorative enthusiasm.

Land We Live In. The Rev. Alexander Mackintosh responded to the toast "The Land We Live In," saying that there was much in Hawaii to remind one of the beauties of Scotland. He dwelt on the opportunities and advantages of these islands, what they were and what they meant to Scotchmen far from their native land and what Scotchmen had done for the Paradise of the Pacific.

Some English Laws. If you deposit money in a bank and leave it there for over six years without adding to it, drawing on it or dealing with it in any way, it comes under the statute of limitations and is lost to you forever.

Suppose you bought a gold ring and without saying anything about payments or delivery you turned round to examine a clock and a maple leaf in and carried off the ring it would be your loss. You would have to pay the jeweler, while he need not give you another ring. If you bought a horse and said you would call for him in the evening and if the stables were burned and the horse destroyed before you called, you would have to bear the consequences. But if anything remained to be done to the property purchased the seller would be responsible. Suppose he undertook to put a nail in the horse's shoe or suppose the jeweler said he would polish up the ring, then the loss would fall on him, not you.

If you wrote from London to a miller in Bristol offering to sell him a cargo of wheat at 30 shillings a quarter and he wrote a letter accepting your offer and posted it the same day, the contract would be completed. Suppose, now, the letter got lost, you concluded that he was not going to buy and you sold the cargo to some one else, you would be liable for damages to the first buyer, and the worst of it is you could get nothing out of the postmaster general.—London Answers.

He Prayed Hard. An old man in Georgia named Jack Baldwin, having lost his hat in an old dry well one day, hitched a rope to a stump and let himself down. A wicked wag named Neal came along just then and, quietly detaching a bell from Baldwin's old blind horse, approached the well bell in hand and began to tinging.

Jack thought the old horse was coming and said: "Hang the old blind horse! He's coming this way sure, and he ain't got no more sense than to fall in on me. Whoa, Ball!"

The sound came closer. "Great Jerusalem, the old blind fool will be right on top of me in a minute! Whoa, Ball! Whoa, haw, Ball!" Neal kicked a little dirt on Jack's head, and Jack began to pray: "Oh, Lord, have mercy on—'whoa, Ball'—a poor sinner—I'm gone now; 'whoa, Ball. Our father who art in—'whoa, Ball'—hallowed be thy—gee, Ball, gee! what'll I do?—name. Now I lay me down to sl—gee, Ball!" Just then in fell more dirt. "Oh, Lord, if you ever intend to do anything for me—back, Ball! 'whoa'—thy kingdom come—gee, Ball! Oh, Lord, you know I was baptized in Smith's mill dam—'whoa, Ball! hot up! murder! whoa!"

Neal could hold in no longer and shouted a laugh which might have been heard two miles, which was about as far as Jack chased him when he got out.—Atlanta Journal.

Bluffs in the Directory. If you pick up that interesting annual, the city directory, you will find it filled with bluffs. Here is a man down as a superintendent. You know he is only the foreman of a labor gang. Another is designated as a general manager. Three or four men are subject to his "general" management, or, as his 5-year-old son, who inherited his propensity to bluff, put it, "he's the head man of three other fellows." Over on this page is another chap who is given as the political editor of a newspaper of some political importance. Don't believe it. He's merely a reporter assigned to gather political news, and everything he writes is carefully "edited" by another man with a title of much less importance. This man down in the book as a merchant sells shoe strings and collar buttons in a cubby hole between two buildings made available when an alley fell into disuse.

"Mme. Blanche, modiste," is merely Mrs. Blank, dressmaker, making a French bluff for which she collects after the cutting out and fitting are done. But what is the use of picking them out? The directory is filled with them.—Pittsburg Press.

Withdrawing a Juror. One particularly amusing incident characterized Congressman Burton's early experience at the bar. For some reason it became necessary to request a continuance in a case in which he was counsel. After Mr. Burton had explained why there should be a continuance the court told him simply to withdraw a juror and the case would be marked continued. For the moment the young attorney was nonplused, but after glancing at the court to satisfy himself that the judge was in earnest he walked over to the jury box, eyed the jurors for an instant and then firmly seized a large, portly German and endeavored with no little effort to drag him out of the jury box. In the midst of the general laugh which followed, the court came to the rescue of the discomfited young barrister by explaining that the term was simply technical and need only be written on the docket.—Saturday Evening Post.

Effect of Paternal Example. Mr. Tucker, who sometimes goes gunning, was trying to teach Tommy the meaning of the word "brace" as applied to game.

"Now, Tommy," he said, "if you should go hunting and kill 20 pheasants, for instance, how many would you say you had bagged?" "Fifty," replied Tommy.—Chicago Tribune.

Social Philosophy. From the Philadelphia Bulletin. It is not good form to wear rubbers in a parlor. Don't be afraid to tell your wife when you regard her expenses as a trifle extravagant. It is well to forget a snub administered by an underbred person. Did you ever notice how chilly a woman can be when another woman assumes a patronizing air. It is difficult to understand why so many men regard brusqueness as dignity. It costs little to assume a sympathetic attitude toward one in misfortune. It is amusing to see men pose when forming part of a theater box party. Did you ever notice how many men discuss music as an evidence of intellectual superiority? It is well not to notice the innuendoes of a self-constituted moral censor. There is no use trying to argue with a woman who is pedantic.

A Little Boy's Life Saved. I have a few words to say regarding Chamberlain's Cough Remedy. It saved my little boy's life and I feel I cannot praise it enough. I bought a bottle of it from A. E. Steere of Goodwin, S. D., U. S. A., and when I got home with it the poor baby could hardly breathe. I gave the medicine as directed every ten minutes until he "threw up" and then I thought sure he was going to choke to death. We had to pull the phlegm out of his mouth in great long strings. I am positive that if I had not got that bottle of cough medicine, my boy would not be on earth today.—Joel Demont, Inwood, Iowa.

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WANTED—Two single gentlemen desire rooms and good table board, either in house or cottage near, must not be far from business portion of city. Expect to remain permanently if satisfactory and rates reasonable. Address A. B. Republican Office.

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